



**STATE OF WASHINGTON
DEPARTMENT OF PERSONNEL**

DIRECTOR'S REVIEW PROGRAM
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August 18, 2011

TO: Teresa Parsons, SPHR
Director's Review Program Supervisor

FROM: Kris Brophy, SPHR
Director's Review Investigator

SUBJECT: Patrick Colin Beardsley v. Bellevue Community College (BCC)
Allocation Review Request ALLO-10-064

Director's Determination

This position review was based on the work performed for the six-month period prior to September 17, 2010, the date BCC Human Resources received the request for a position review. As the Director's Review Investigator, I carefully considered all of the documentation in the file, the exhibits, and the verbal comments provided by both parties during the review telephone conference. Based on my review and analysis of Mr. Beardsley's assigned duties and responsibilities, I conclude his position is properly allocated to the Retail Clerk 2 classification.

Background

On September 17, 2010, BCC's Human Resources Office received Mr. Beardsley's Position Review Request (PRR) form asking that his position be reallocated to a Program Support Supervisor classification (Exhibit B-7). Mr. Beardsley signed the form on September 17, 2010. His supervisor completed and signed the attachment to supervisor's portion of the form on October 4, 2010.

On December 3, 2010, BCC notified Mr. Beardsley that his position was properly allocated as a Retail Clerk 2 (Exhibit B-1).

On December 22, 2010, the Department of Personnel received Mr. Beardsley's request for a Director's review of BCC's allocation determination (Exhibit A-1).

On July 27, 2011, I conducted a Director's review telephone conference. Present during the call were Patrick Colin Beardsley; Page Rebelo, WPEA Staff Representative; Penni Blakely, Director, Human Resource Operations; and Kristin Connely, Book Store Director.

The parties submitted additional information following the review telephone conference. The information was received on August 15, 2011. This information has been added to the record and incorporated as exhibits to the file.

Rationale for Director's Determination

The purpose of a position review is to determine which classification best describes the overall duties and responsibilities of a position. A position review is neither a measurement of the volume of work performed, nor an evaluation of the expertise with which that work is performed. A position review is a comparison of the duties and responsibilities of a particular position to the available classification specifications. This review results in a determination of the class that best describes the overall duties and responsibilities of the position. Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

Summary of Mr. Beardsley's Perspective

Mr. Beardsley asserts he performs the work of a Bookstore Supervisor by managing the Annex's retail operations which includes supervising student and part-time staff. Mr. Beardsley asserts he works closely with faculty each quarter to determine instructor supply requirements. He asserts he performs the duties of a Bookstore Supervisor by reviewing and analyzing product sales history to make retail forecasts and place appropriate orders; choosing art materials suppliers; determining and setting product pricing; training part-time and student help on supplies, policies and procedures; independently placing orders; conducting inventory; analyzing financial information to determine purchasing requirements; keeping current with the arts materials industry, and keeping appropriate cash on hand. Mr. Beardsley contends his supervisory duties for student staff includes assigning their quarterly schedules, approving changes, approving time off for personal or academic reasons, providing training, giving verbal performance evaluations, and addressing performance issues when necessary.

Summary of BCC's Reasoning

BCC asserts Mr. Beardsley's position does not supervise or lead staff. BCC asserts these responsibilities rest with other higher level staff. BCC contends the level of work direction Mr. Beardsley provides to the Annex's work study students does not reach supervisory authority required for allocation to the Bookstore Supervisor class. BCC asserts Mr. Beardsley's supervisor interviews and hires new employees, assigns their work hours, approves leave requests, and does any performance reviews. BCC asserts new employees are trained in the main bookstore before they are scheduled to work in the Annex. BCC asserts Mr. Beardsley does not have any responsibilities related to budget. BCC contends Mr. Beardsley's assigned duties and responsibilities are consistent with the Retail Clerk 2 class.

Duties and Responsibilities

Mr. Beardsley provides retail clerk services for the Business Center Bookstore location (Annex) on the BCC campus. Ms. Connelly states in the supervisor's comments of the Position Review Request (PRR) that his position was created so that a person was assigned to cashier, order and receive art supplies in an annex location which better served the students due to the limited space available at the main Bookstore location (see comments - Exhibit B-7).

Mr. Beardsley's position is responsible for performing ordering, receiving, sales, inventory, cash control and customer service functions. Mr. Beardsley states in the PRR that his position exists to provide the necessary art supply requirements for the Art & Interior Design faculty and students. He also assists students from the Engineering, Animation, Biology, Chemistry, Continuing Education departments, as well as other students and visitors to BCC's main campus.

Mr. Beardsley's duties and responsibilities are summarized from the PRR (Exhibit B-7) as follows: (Mr. Beardsley notes the percentages may be more or less, depending on the quarter)

- 35% Researching product, conferring with suppliers on product, new product, dropships, placing orders, researching suppliers, etc.
- 25% Conferring with faculty on products, kits, prices, uses of materials, etc. (may also be more or less, depending on whether it's for a new class offering, which instructor is teaching a specific class, etc.)
- 20% Cashiering and attendant duties, including answering questions about Corporate Accounts, College Accounts, returns, etc.
- 20% Receiving product, pricing product, preparing kits, inventory, etc.

Ms. Kristen Connelly is the Bookstore Director and is Mr. Beardsley's supervisor. Ms. Connelly completed the supervisor's section of the PRR. She does not agree that Mr. Beardsley's description of assigned duties is accurate and complete. She states Mr. Beardsley's level of responsibility for ordering, receiving, and providing customer service and cash control for the Annex are consistent with the Retail Clerk 2 class. She further states Mr. Beardsley is given financial income statements so that he can adjust inventory and that inventory control is consistent with the Retail Clerk 2 class.

Ms. Connelly states Mr. Beardsley's responsibilities for working with faculty to discuss product information and inventory, product changes, and to answer questions fall within the Retail Clerk 2 class. She also states his work that involves combining sales history and customer notes to forecast inventory levels, and his work contacting vendors to research set product pricing falls within Retail Clerk 2 level duties. She states the selling price for merchandise is pre-set on a 30% average mark-up for all supplies, which limits Mr. Beardsley's ability to independently determine the price for merchandise.

Ms. Connelly also disagrees with Mr. Beardsley's statement that he is solely responsible for training staff who work in the Annex. She states that part-time cashiers were hired and trained at the main bookstore before being assigned to the Annex. She disagrees that he has independent authority to set work schedules or grant time off. She states that Mr. Beardsley has his breaks covered and scheduled by the main Bookstore staff and it is either a bookstore supervisor's or her responsibility as the Bookstore Director to assign staff to work at the Annex.

Ms. Connelly states that Mr. Beardsley and other staff working in the Annex must follow pre-set policies and procedures and are instructed to contact a higher-level supervisor to resolve any unusual issues or circumstances.

In total, Ms. Connelly does not believe Mr. Beardsley's position meets the requirements of the Bookstore Supervisor or Retail Clerk lead class.

Comparison of Duties to Class Specifications

When comparing the assignment of work and level of responsibility to the available class specifications, the class series concept (if one exists) followed by definition and distinguishing characteristics are primary considerations. While examples of typical work identified in a class specification do not form the basis for an allocation, they lend support to the work envisioned within a classification.

Comparison of Duties to Bookstore Supervisor

The Definition for Bookstore Supervisor states:

Supervises bookstore personnel in the operations of a department of a large bookstore or assists in the supervision of bookstore personnel in a large bookstore or a satellite bookstore with net annual sales under \$200,000.

The Distinguishing Characteristics state in relevant part:

Under the general direction of a Bookstore Manager or Bookstore Manager Assistant, who is involved with day-to-day bookstore activities, initiates procedures for approval, determines market needs and maintains appropriate inventory levels; acts with authority in the absence of a Bookstore Manager or Bookstore Manager Assistant; supervises bookstore personnel.

Historically, the former Higher Education Personnel Board (HEPB) relied on three components for determining whether a position tasked with supervising student workers met the same standard as a position supervising classified staff. The three components included the definition of supervisor, the intent of the related class specification, and whether the collective hours of student supervision equated to one FTE. Udovich, Arrington, and Pittman v. The Evergreen State College. HEPB Nos. 3607, 3608, and 3609 (1992). Both the former Personnel Appeals Board (PAB) and the Personnel Resources Board (PRB) have applied similar criteria when considering supervisory or lead responsibilities.

The PRB has addressed the one FTE standard applied by previous Boards. The PRB agreed "there must be a threshold which can be objectively applied to each set of duties and responsibilities when determining the appropriateness of allocation to a lead or supervisory class." The PRB further concurred "the established threshold of 1.0 FTE should continue to be used as the basis for determining the appropriateness of allocation to a lead or supervisory class." Tacoma Community College v. Edward Harmon, PRB Case No. R-ALLO-08-012 (2008), citing Halcomb v. Shoreline Community College, Higher Education Personnel Board (HEPB) Case No. 3453 (1992); Baker v. University of Washington Health Services, Personnel Appeals Board (PAB), Case No. 3821-A3 (1994); and Washington State University v. Marc Anderson, PAB Case No. ALLO-04-005 (2004).

Therefore, in order to meet the definition of supervisor, an incumbent must have full supervisory responsibility and supervise a minimum of one full-time equivalent (FTE) employee.

The Department of Personnel's (DOP) Glossary of Classification Terms defines "supervisor" as follows:

An employee who is assigned responsibility by management to participate in all of the following functions with respect to their subordinate employees:

- Selecting staff
- Training and development
- Planning and assignment of work
- Evaluating performance
- Resolving grievances
- Taking corrective action

Participation in these functions is not routine and requires the exercise of individual judgment.

In a more recent decision, the PRB provided further guidance on the definition of supervision. The PRB determined that "[s]upervision of an organization typically includes setting organizational goals, developing plans to meet goals and objectives, developing policies and procedures, preparing budgets, adjusting and authorizing expenditures, controlling the allocation of program resources, and the supervision of staff." Dawson v. South Puget Sound Community College, PRB Case No. R-ALLO-08-001 (2008).

In Dawson, the Appellant argued that he performed supervisory responsibilities for contract, part-time and work-study staff. However, the PRB determined his position provided "on-the-job work instruction" but did not "perform training and development at a level expected of a supervisor." While the PRB concluded the Appellant had oversight of the daily work, provided feedback, and responded to service complaints related to the service provided, he did not conduct formal performance evaluations or adjust formal grievances. As a result, the PRB determined the Appellant's position was properly allocated to a lead classification.

Mr. Beardsley's position does not have supervisory responsibility as required by the Definition and Distinguishing Characteristics for this class.

With regard to hiring, Ms. Connelly stated in her comments that part-time and student employees are hired through the main bookstore. Ms. Blakely confirmed during the review telephone conference that student employment is conducted at the departmental level. BCC's process for evaluating performance and scheduling and approving leave for student employees is informal and different from the process used for permanent employees.

Mr. Beardsley stated he informally provides verbal performance feedback to the students, and provides on-the-job training regarding various art supplies and products, discusses appropriate retail processes and procedures, and checks and provides feedback relative to their work. He indicated that he talks with them about performance. He stated the students make requests or notify him of taking time off so that he can plan staffing levels accordingly.

While Mr. Beardsley performs certain aspects of a supervisor, the overall level of responsibility of his position and the scope of his responsibilities for hiring, evaluating and correcting performance is more in line with a lead position. Although performance evaluations may be performed in a way that differs from the Performance Development Plan (PDP) process, the evaluation process requires more in-depth assessment than assigning, training, checking the work of employees, and providing verbal feedback.

Mr. Beardsley has responsibility for coordinating student employee work schedules and overseeing daily work, acting informally upon leave requests, providing training regarding retail supplies, procedures and practices, and verifying timesheets before they are sent to higher level staff for signature for payroll purposes. Mr. Beardsley does not have delegated supervisory authority and responsibility for conducting formal performance evaluations, adjusting formal grievances or taking formal corrective actions as required for allocation to a supervisory classification.

BCC submitted a summary of hours worked for the two students who worked in the Book Store Annex and worked under Mr. Beardsley's direction during the review time period. Based on the records provided by the college, Mr. Beardsley forwarded (but did not sign) time sheets for two student employees who each worked part-time in the Annex. However, the full time equivalency of the students for which he provided work direction is less than 1 FTE. The total hours worked for the six-month period from April 2010 – September 2010 was .63 FTE (Exhibit B-8).

Further, Mr. Beardsley does not have supervisory responsibility for any part-time employees who provide coverage during his daily break periods. Ms. Connelly states in her comments that Mr. Beardsley's breaks are covered and scheduled by main bookstore staff. Mr. Beardsley may

occasionally ask the main bookstore management staff for additional coverage during peak periods or if one of the student employees is unexpectedly absent. Additionally, Mr. Beardsley confirmed during the review telephone conference that part-time staff did not work in the Annex during the review time period. Additionally, Mr. Beardsley does not have any responsibilities related to budget.

Based on the information provided, Mr. Beardsley's position does not perform supervisory activities required for allocation to the Bookstore Supervisor class. For these reasons, his position should not be allocated to that class.

Comparison of Duties to Bookstore Lead

The Definition for Bookstore Lead states:

Lead bookstore and/or service personnel in the ordering, receiving, sales, inventory, cash control, and/or customer service functions for a retail and/or service operation.

The Distinguishing Characteristics state in relevant part:

Under general direction, lead assigned bookstore and/or service personnel in the retail financial record keeping, and cash control duties of a retail and/or service operation. Serve as an assistant to a Bookstore Manager or service facility manager.

The DOP's Glossary of Classification Terms defines "lead" as: "An employee who performs the same or similar duties as other employees in his/her work group and has the designated responsibility to regularly assign, instruct, and check the work of those employees on an ongoing basis."

Mr. Beardsley works in the BCC Bookstore Annex which is separate and apart from the main bookstore and its staff. He works independently and provides daily work instruction and direction to two student staff cashiers who each work part-time schedules at the Annex. The student employees assist in providing retail services including cashiering, assisting students in picking out art or other supplies, and performing other related retail duties. Mr. Beardsley stated that he coordinates their quarterly academic schedules with their Annex work schedules to make sure there is adequate coverage. Mr. Beardsley stated he makes informal verbal agreements with the students regarding leave issues, and has authority to make decisions regarding their day-to-day assignments relative to labeling products with prices, making cash sales, preparing art kits, and performing other retail service duties. Mr. Beardsley provides work guidance and direction and provides training to make sure they are able to assist customers with choosing appropriate supplies, answering general questions, and directing students to the correct art materials and products.

Mr. Beardsley stated he informally provides verbal performance feedback to the students, and provides on-the-job training regarding various art supplies and products, discusses appropriate retail processes and procedures, and checks and provides feedback relative to their work. He indicated that he talks with them about performance. He stated the students make requests or notify him of taking time off so that he can address coverage accordingly.

However, the full time equivalency of the students for which he provided work direction is less than 1 FTE. The total hours worked for the six-month period from April 2010 – September 2010 was .63 FTE (Exhibit B-8). Therefore, Mr. Beardsley's position does not meet the threshold for leading employees whose combined hours total one or more FTE.

Additionally, the scope of Mr. Beardsley's position does not fully reach the Distinguishing Characteristics of this class. Mr. Beardsley's position does not serve as an assistant to the Bookstore manager (i.e. Director) as required.

For these reasons, Mr. Beardsley's position should not be allocated to the Bookstore Lead class.

Comparison of Duties to Retail Clerk 2

The Definition for the Retail Clerk 2 classification states:

Performs ordering, receiving, sales, inventory, cash control, and/or customer service functions for a retail operation at a State institution or facility.

The Distinguishing Characteristics for the Retail Clerk 2 classification states:

Under general supervision, performs retail financial record keeping and cash control duties in a retail and/or service operation.

Mr. Beardsley's position matches the Definition and Distinguishing Characteristics of the Retail Clerk 2 classification. Mr. Beardsley performs a variety of ordering, receiving, sales, inventory, cash control, and customer service functions for the Bookstore Annex. He works under general supervision and his duties include financial record keeping and cash control duties.

Although the Typical Work examples do not form the basis for an allocation, they lend support to the level and scope of work performed by that class. The typical work statements for this class include the following:

Orders supplies and merchandise as required, arranges supplies and merchandise on shelves and in displays at a retail store...;

Conducts physical inventories, prepares and maintains inventory records;

Processes on-line orders for in-store pickup or delivery;

Balances cash register receipts and prepares daily financial reports; post monthly cash journals; prepares bank deposits; processes and handles charge sales;

Prepares reports, records, and correspondence;

Waits on retail store customers and sells wide variety of merchandise;

Checks credit cards and fills orders for delivery to customers;

Serves as cashier, checks cash register receipts, and prepares daily financial reports.

Mr. Beardsley's duties are consistent with these statements.

When determining the appropriate classification for a specific position, the duties and responsibilities of that position must be considered in their entirety and the position must be allocated to the classification that provides the best fit overall for the majority of the position's duties and responsibilities. Dudley v. Dept. of Labor and Industries, PRB Case No. R-ALLO-07-007 (2007).

In this case, the majority of the duties assigned to Mr. Beardsley's position and his level of responsibility and delegated authority are best described by the Retail Clerk 2 classification. Mr. Beardsley's position should remain allocated to the Retail Clerk 2 class.

Appeal Rights

RCW 41.06.170 governs the right to appeal. RCW 41.06.170(4) provides, in relevant part, the following:

An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to . . . the Washington personnel resources board Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

The mailing address for the Personnel Resources Board (PRB) is P.O. Box 40911, Olympia, Washington, 98504-0911.

You may file in person at 521 Capitol Way South, Olympia, Washington. Fax number (360) 586-4694. For questions, please call (360) 664-0388.

If no further action is taken, the Director's determination becomes final.

c: Patrick Colin Beardsley
Page Rebelo, WPEA
Penni Blakely, BCC
Lisa Skriletz, DOP

Enclosure: List of Exhibits

Patrick Beardsley v. Bellevue Community College

ALLO-10-064

List of Exhibits

A. Patrick Beardsley Exhibits

1. Letter of appeal dated December 21, 2010 from Page Rebelo, WPEA and attached Director's Review Form for Patrick Beardsley; received by DOP on December 22, 2010.
2. Allocation Determination email dated December 3, 2010 from Penni Blakely Patrick Beardsley.
3. A copy of the Position Review Request (PRR) form for Patrick Beardsley, unsigned without supervisor comments.
4. Cover letter dated February 8, 2011 from Page Rebelo, WPEA, with attached exhibit list and exhibits – (see exhibits A-5 through A-27).
5. Letter of response to reallocation denial from Patrick Beardsley (16 pages).
6. Letter of support from Linda Thomas to Karen Wilcox, dated January 24, 2011.
7. Letter of support from Victor Sandblom, dated January 27, 2011.
8. Letter of support from Lars Husby.
9. Letter of support from Ginny Banks, dated January 21, 2011.
10. Letter of support from Ann Kenny, dated January 24, 2011.
11. Cover page titled, "Notes on Appendix" with attached emails (Comments stated in list below):
 - a. Consultation with faculty – email to Continuing Ed Art Instructor Sandy Haight
 - b. Asked Bookstore Director for another tool to understand sales and reports but was verbally denied the need for my having such a report
 - c. Consultation with faculty – email to Art Instructor Lars Husby
 - d. Email informing Bookstore Supervisor and Assistant Manager of an interview I arranged
 - e. Sending our performance-based questions to use in the interview to Bookstore Supervisor
 - f. Consultation with faculty – email to Interior Design Instructor Sandra Wilson
 - g. Informing Bookstore Director of Bookstore Annex employees schedule
 - h. Informing Bookstore Supervisor of schedule arrangement for Bookstore Annex employees and their tasks. Noted as being fine by Bookstore Director
 - i. Congratulatory note on my Margin of Excellence Award sent by the Vice-President for Human Resources
 - j. Bookstore Director asking me for schedule of Bookstore Annex employee
 - k. Bookstore Director contacting me regarding Fall Orders
 - l. Bookstore Director contacting me regarding hours for Bookstore Annex, opening week Fall Quarter

- m. Interior Design Program Assistant contacting me regarding my desire to set up a web page on Interior Design homepage
 - n. Art Department Chair contacting me regarding my desire to set up a web page on Art Department homepage
 - o. Art Material Supplier contacting me regarding my desire to have us listed as a purveyor of their product on the supplier's homepage
 - p. My contacting the Bookstore Director regarding what I scheduled Bookstore Annex employees to cover while I am on vacation
 - q. Email from Bookstore Director to all Bookstore employees who make purchases for the operation of the Bookstore and its satellite stores
12. Email dated August 15, 2011 from Page Rebelo to Kris Brophy in response to time sheet information submitted by Penni Blakely.

B. BCC Exhibits

- 1. Allocation Determination email dated December 3, 2010 from Penni Blakely to Patrick Beardsley.
- 2. Position Description form for Patrick Beardsley's position dated September 2010.
- 3. Original Position Description Form for Patrick Beardsley's position dated August 2004.
- 4. Bookstore Organizational Chart.
- 5. Administrative Services Organizational Chart.
- 6. Finance and Auxiliary Services Organizational Chart.
- 7. Position Review Request form for Patrick Beardsley, with attached supervisor comments, received by BCC on September 17, 2010.
- 8. Email dated August 9, 2011 from Penni Blakely to Kris Brophy with attached work study hours and FTE calculation.

C. Classification Specifications

- 1. DOP Class specification for Retail Clerk 2, (227G).
- 2. DOP Class specification for Retail Clerk Lead, (227H).
- 3. DOP Class specification for Bookstore Supervisor, (230G).